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THE STATE AND THE POOR.

I.

THERE is no lack of theories with regard to the nature and justification of public relief; neither is there any lack of works on the various practical problems that come up in connection with the fruitful topic of pauperism. Professor Adams's *Notes on the Literature of Charities* covers alone nearly fifty pages, and does not pretend to be a complete bibliography of the subject.

There seems to be, however, a breach between the theoretical reasons given for the intervention of the state and the practical measures and proposals of positive legislation. It is rare that, as in the case of the French revolution, the law carries out consistently and logically a preconceived theory. In general, legislation has been tentative and experimental. It has dealt with one problem after another as it has arisen, but has not anticipated difficulties. The publicists, on the other hand, have been apt to base their theories either upon abstract principles which have little connection with positive law, or else upon isolated practical considerations of limited application.

Thus a not uncommon reason given for public poor relief is that it is necessary as a means of securing public safety that the state should guarantee the poor against starvation; otherwise it could not consistently prohibit theft. This view is advocated by Mrs. Lowell in her excellent work on *Public Relief and Private Charity*.¹ The difficulty with this justification is that it only covers a limited number of cases. It does not show any reason for giving relief to the aged or to children or to the sick or, in general, to those who have not the physical or the mental vigor to steal. It is open as a theory to another serious

¹ See also Münsterberg, *Die deutsche Armengesetzgebung*, S. 73.

objection. Those who advocate it must either assume that the individual has a right to be supported or that he has not. If he has not a right, then he has no right to steal, and the government, in giving him relief in order to prevent him from stealing, virtually bribes him to refrain from committing crime. If, on the other hand, the poor have a right to relief, no more need be said, and to bring up police considerations is to multiply causes without necessity. Another reason for poor relief is that it is necessary to prevent the abuse of private charity. This view is also presented in Mrs. Lowell's book. It can hardly, however, be called a complete theory of the subject, for it still leaves the question unanswered whether, in the absence of such abuses, any public relief should be given; nor does it enlighten us as to whether any relief at all, either by private persons or by the state, is desirable. Professor Cohn, who has carefully examined this subject,¹ after a long review of various theories, finally comes to the conclusion that the only good ground for poor relief lies in the common liability of all mankind to misfortune, and in the slight control that each individual can exercise over his own destiny. He says:

In this feeling of the fortuitousness of that which one has and the other has not, rests, according to my conviction, the obligation which the state enforces by compulsion — the obligation to care for the human beings who happen to exist and are not able to care for themselves.²

This view seems to coincide curiously with the reason which Professor Sumner has given for private benevolence. He says:

Men, therefore, owe to men, in the chances and perils of this life, aid and sympathy on account of the common participation in human frailty and folly.

But he adds:

This observation, however, puts aid and sympathy in the field of private and personal relations under the regulation of reason and conscience, and gives no ground for mechanical and impersonal schemes.³

¹ Cohn, *Arbeit und Armut*, published in *Schmoller's Jahrbuch* for 1881, republished in *Volkswirtschaftliche Aufsätze*, to which the page numbers in this article refer.

² *Ibid.*, S. 404.

³ Sumner, *What Social Classes Owe to Each Other*, p. 159.

This theory has the advantage of not aiming at an artificially precise result. It takes into account the fact that the considerations which enter into practical measures for poor relief are so multifarious that they cannot easily be reduced to any one single and simple point of view ; but, on the other hand, it is very vague, and the conclusion does not seem to be borne out by the premises. The *elenchus* is lacking. It is perfectly true that life is largely made up of accidents. Grant that it is quite as accidental as Professor Cohn makes it out to be ; the proof must still be given that this accidental character makes it desirable for the state to intervene and help those that suffer as a result of it. In other words, it is still necessary to show some practical reason for intervention. The fortuitousness of life is, as Professor Sumner points out, a good reason for sympathy ; it teaches us not to judge too harshly those who are not as well off as ourselves. But does it supply a sufficient reason for governmental action ?

Another view, which was first, I believe, put forth by J. G. Hoffman, asserts that poor relief is right because it simply amounts to a re-payment to the laborer of that which he has failed to receive in the form of wages ; that is to say, his necessity comes from the fact that his wages are not large enough to enable him to save. Now either these low wages result in a lowering of the price, and benefit the mass of the consumers, who therefore ought to make up in taxation what they have thus gained ; or the deficit comes from faulty institutions, for which, again, the mass of the people are responsible ; so that, in either case, the state should make up by general taxation what the laborer has thus lost.¹ This reasoning, though ingenious, is very artificial, and is open to the objection that it at best explains poor relief under particular circumstances and for a limited portion of the community. It does not furnish any criterion either for justifying or for condemning relief given to those who never have earned anything, or to those whose earnings have been sufficient to enable them to save, but who have been improvident.

Finally, there is the theory which rests the duty of the state

¹ Münsterberg, S. 72-74, and Cohn, S. 393.

to relieve the poor upon the natural right of every man to the means of subsistence. This view has recently received considerable prominence through the writings of Cardinal Manning, but it is really a very old one, and is not confined to the moralists of the Roman Catholic church. Rousseau says :

Every man has by nature a right to whatever is necessary ; but the positive act which makes him the proprietor of any commodity excludes him from all the rest.¹

And again he says :

Every man must live. . . . Since of all the aversions that nature gives us the strongest is that of dying, it follows that everything is permitted by her to him who has no other possible means of living.²

The same view was expressed by Montesquieu :

Whatever alms be given to a naked man in the street do not fulfil the obligation of the state, which owes to all its citizens an assured means of support, — food, proper clothing, and a mode of life which is not detrimental to health.³

This view was carried into practical effect at the time of the French revolution. The constitution of the 24th of June, 1793, said :

Society owes support to its unfortunate citizens, either by giving them work or by securing the means of sustenance to those who are unable to work.

Political speculation sometimes makes strange bed-fellows. We need not, therefore, be surprised to see the ideas of the Encyclopedists reproduced, almost in their own words, by a prince of the Roman Catholic church. Cardinal Manning, in his *Note on Out-Door Relief*, in the *Fortnightly Review* for January, 1888, says :

The obligation to feed the hungry springs from the natural right of every man to life, and to the food necessary for the sustenance of life. So strict is this natural right that it prevails over all positive laws of property. Necessity has no law, and a starving man has a natural right to

¹ Contrat Social, l. i, ch. ix.

² Émile, p. 86.

³ Esprit des Lois, l. 23, ch. xxix.

his neighbor's bread. . . . Before the natural right to life all human laws must give way ; and this natural right in every man lays upon all men the correlative obligation to sustain the life of man when it is threatened with extinction.

A somewhat similar view of the right of the poor to receive relief, though based upon a peculiarly figurative conception of the teachings of Christianity, is advocated by another Roman Catholic, a member of the Society of Jesus, in the following terms :

The Saviour transfers his whole claim upon our gratitude to the poor ; in them he will be fed, clothed, and rewarded for his unlimited love. Who can dispute the right of a creditor to dispose freely of his promissory notes ? The Saviour uses this right for the benefit of the poor, and therefore no one can love the Saviour without at the same time actively loving the poor.¹

The discussion of natural rights lies outside of the field of this inquiry. It may not be thought captious to remark, however, that any one who makes an assertion of natural rights as the basis for positive legislation must have some definite understanding as to what he means. He may mean the *jus naturale* of the Romans, that is, *quod natura omnia animalia docuit*.² In that case, however, he is confronted with the fact that the right of the poor to receive relief has not been recognized by any of the European states until within three centuries, and that even now it is not recognized by all of them, nor by all of the states of our Union. A right which has been so little recognized in positive law can hardly come under the Roman definition.

If, on the other hand, we mean by a natural right one which is so deeply rooted in the nature of man that it ought to be universally recognized, we express a merely subjective opinion on a topic of exceeding vagueness. The question still arises : What is the nature of man ? To say, therefore, that a right shall be recognized because in accordance with his nature, will un-

¹ Franz Ehrle, *Beiträge zur Geschichte und Reform der Armenpflege*, 1881, quoted by Cohn, S. 382.

² Digest, 1, 1, 1, § 3.

doubtedly have great weight with those who hold the same opinion as the author, but it will not be convincing to others.

This muster of different theories, which is by no means complete but yet fairly represents some of the leading and typical views of different schools of thought on the subject, shows how difficult it is to frame an abstract theory of poor relief that shall be of practical value. It, at the same time, sets limits to the scope of this paper. It is not my intention to add another to the list of general theories on the subject. I propose, rather, to endeavor to answer a single inquiry, and to ascertain, if possible, to what extent the care of the poor in a modern state and under modern conditions conduces to the welfare of society as a whole. If I can discover a good utilitarian reason for entrusting the state with this duty, I shall endeavor to test the value of this reason by applying it to the solution of two or three important practical problems of the day. I shall therefore not consider the matter with reference to the fundamental ideas of the state, or with reference to the necessary limits of state authority, or with reference to ethics or sentiment or natural rights. I concede at the very outset that considerations of expediency should always yield to considerations of morals and that they often do yield to considerations of sentiment. I shall not contest either with the moralist or the sentimentalist the chief seat in the synagogue of political action. A modest inquiry into the mere utility of state action cannot, however, be entirely fruitless. For the practical legislator, whatever his views of ethics or the rights of man may be, must always take into account and can never be wholly uninfluenced by the practical aspects of the question.

II.

As Dr. Ely has very well pointed out,¹ it is impossible to approach this question without having some ideal in view. Now the ideal on which I think all schools of thought will agree is

¹ Richard T. Ely, Ph.D., *Philanthropy*; first published in the *Baltimore Sun* of March 9, 1887.

a condition of things in which every one will be self-sustaining or at least sustained by those who are bound by family ties to support him; in other words, the ideal of all pauper legislation is to do away with its own necessity. The question therefore arises whether, under a system of *laissez faire*, the natural action of the social forces, as they exist at the present day, tends to bring about this ideal. Does the struggle for existence under modern conditions tend to bring about the survival of the fittest in the moral sense of the word? That the struggle for existence tends to bring about the survival of the fittest in the strictly scientific sense of that phrase (*i.e.* of those who are most fitted to their environment) will be accepted as a truism. The question, therefore, reduces itself to this: Is the environment of modern society fitted to bring about the survival of those who are most fit, from the moral and economic point of view; *i.e.* those who are most likely to become self-supporting, useful citizens? If this environment is not such, then it is a legitimate subject of inquiry to ask whether the state may not, by a conscious effort, so modify it as to bring about the ideal.

The survival of the fittest of course implies the destruction of the unfit. The world, as we know it, is, however, so constituted that (1) the unfit are often not destroyed, and (2) those who are destroyed are not always the unfit. Both of these points can, I think, be proved. The fact is that the struggle for existence in our world is not a struggle for bare existence, but a struggle for a comfortable existence. Those who are worsted in this contest—those who make failures of life, who are lacking in forethought, judgment, abstinence, and industry—are not necessarily forced out of existence by these faults. They are simply forced down to a lower level of existence. They become demoralized, but they do not perish. Those who would, if in a new country and dependent solely upon their own exertions, go to the wall, manage in some way to get along in the nooks and crannies of a densely settled community. Some resort to crime, and therefore become not only unproductive but absolutely destructive. Others invest in a wheezy hand-organ and live on the alms of the soft-hearted. Still others subsist unblushingly on the charity of the churches and benevolent societies.

There are many ways, therefore, in which a person who is of no earthly use in the world, who does not possess economic qualities, who is not able to contribute towards the general wealth of society enough to maintain his own life, is, nevertheless, able to subsist. This is particularly the case in the large cities, and unfortunately the large cities tend to absorb a greater and greater portion of the population in all parts of the world. In England, for instance, we find that "whereas at the beginning of the century, out of nine inhabitants of England and Wales, one lived in London, the proportion has now risen to one out of seven."¹ Taking England and Wales together, we find that in 1861 the ratio of the urban population to the country population was as 172 to 100; in 1881 the ratio had reached 212 to 100.² In our country the growth has even been more rapid. In 1790 the proportion of the urban population to the total was one in thirty-three; in 1880 it was one in four. In France and Germany there is the same tendency. With this increase in the urban population, therefore, there goes an increase in the thousand and one ways by which those who are really not fit to survive manage in some way to exist. In fact, it is probable that this remarkable increase in the city population is due in part to the immigration of those who are unable or unwilling to work for an honest living in the country.

If on the one hand, therefore, the unfit do not always perish, if there is a tendency in modern society to produce an environment which serves to keep them alive, on the other hand it must be noted that those who do perish are not always the unfit. The complications of society give rise to many accidents. We have succeeded in coping with and partially overcoming some of the elemental dangers that formerly threatened life on this globe. The old-fashioned pestilence seems to be practically exorcised by modern sanitary science, and though we still have epidemics, it is not likely that we shall soon again see any such ravages produced by disease as were produced by the black death in the middle ages. Nor are we as subject to the fluctuations of the

¹ See Farrar, Social Problems and Remedies, in the *Fortnightly Review*, March, 1888.

² *Ibid.*

seasons as formerly. The inter-communication of different parts of the world puts the danger of a genuine famine further and further off. The failure of a crop in one section of the world may mean great loss to the producers, but rarely starvation. They can generally get food from some other part of the world, provided they can obtain means to pay for it, and such means are generally forthcoming either through public charity or through the use of credit.

To a certain extent, therefore, the progress of the arts has diminished the simple accidents of life. It has, however, on the other hand, introduced entirely new ones. The accidents by which people are maimed or killed on the railroads or in the mines are generally quite independent of any action on the part of the injured. The commercial crises by which whole industries are for a time brought to a standstill are the result of wide-reaching influences, as much beyond the control of the individual laborer as the currents of the ocean and the paths of the storms. There are many cases in which even the exercise of the greatest forethought will not save a person from being put in jeopardy of life through accident or loss of work.

What, however, is the meaning of such an event to society? The productive power of the laborer is the result of the expenditure of wealth. Every able-bodied laborer represents, therefore, so much human capital, and his loss means the loss of that capital. Dr. Engel has made a careful mathematical inquiry into the cost of production of the human being, including all his expenses and the interest upon the outlay. The result of his figures is that a boy of a moderate education, who may be supposed to have attained his full productive capacity at the end of his fifteenth year, has cost 3738 marks, or about \$934; a young man of somewhat better education, who has completed his apprenticeship in his twentieth year, has cost 12,137 marks, or \$3034; while a young man of higher education, who is not ready for the work of life until his twenty-fifth year, has cost 27,550 marks, or about \$6887.¹

Thus it may be for the interest of society as a whole to put

¹ Engel, *Der Werth des Menschen*, S. 72.

forth some effort in order to prevent the loss or life or of health or the deterioration of character due to accidents for which the individual is not responsible. This can generally be done by means of hospitals, or dispensaries in the case of the sick. Whether in the case of the unemployed aid shall be extended by means of direct out-door assistance, or by the institution of public works for the unemployed, or by the establishment of directories indicating where labor is needed, or by gifts of money to aid migration, or by the establishment of compulsory insurance, or pauper colonies, is a question of detail which must be answered according to the circumstances of the different cases. The point to make clear in this place is that, where it is a question of the saving of human capital, it may well be for the advantage of society to expend nearly as much towards saving those human beings who are in danger of thus perishing as has been originally expended in their production. This is true, looking at the matter solely with reference to the economic and directly material effects and not at all with reference to the moral ends to be gained. To the extent, therefore, to which the government is able to counteract these accidents of life, to that extent it aids in producing the survival of the fit.

There is still another consideration which comes in to show that the unimpeded action of society does not tend in all cases towards the improvement of the race. We have seen that in many cases the environment permits the survival of the unfit, while in many others it does not prevent the destruction of the fit. Not only is this true, but to a certain extent our industrial world directly furthers the production of the unfit. There is thus a constant danger that the coming generation will be bred from the lower rather than from the higher types of society. This results from the fact that the very qualities of self-control, forethought, and abstinence which characterize the industrially higher classes lead to later marriages and therefore fewer children on their part, while those who are imprudent and thoughtless, by virtue of that very imprudence, add largely to the numbers of the helpless. A striking illustration of the multiplication of the unfit in a single family was given some years

ago by Mr. Dugdale, in his history of the *Juke Family*, and statistics show that this tendency is general. As the distinguished Hungarian statistician, Joseph Körösi, says :

We cannot apodictically maintain that the greater or smaller number of married men is to be regarded as an indication of the greater or smaller prosperity of their respective professions, since the frequency of marriages tends to run parallel, not with wealth, but rather with pauperism.¹

The same observation was made by the Mansion House committee which enquired into the causes of permanent distress in London in 1885. They say :

There appear to be grounds for believing that the increase of the population (with or without marriage) is greatest in those classes which have the least means of supporting large families. . . . In the result it would appear that the undue increase of the population is closely connected with extreme destitution.²

Mr. White gives some official statistics which bear this out. Taking the ratio of marriages of persons not of full age to the total number of marriages, he finds that in 1884 this percentage was, in the district of St. George, Hanover Square, males, 1.55, females, 10.34; Bethnal Green, males, 14.69, females, 35.79.³ Corresponding to this are the figures of the annual birth rate, which, for the ten years from 1871 to 1880, were: St. George, Hanover Square, 24.24; Bethnal Green, 41.75.

Significant though less striking are the Massachusetts statistics of paupers and criminals. The figures here quoted are all taken from the census of 1875, the results of that of 1885 not being as yet accessible. It was found in 1875 that the American population furnished one pauper for every 400, while the foreign-born furnished one in every 348. The natives furnished one convict to 453, and the foreign-born one to 252. These figures are somewhat misleading, since the proportion of adults is greater among the foreign population than among the native-born. The data do not furnish the means of making an

¹ Die Hauptstadt Budapest im Jahre 1881, no. iii, p. 158; see also no. ii, p. 187.

² Arnold White, Problems of a Great City, p. 60.

³ *Ibid.*, p. 62.

exact allowance for this difference. If we compare, however, the number of paupers and convicts with the total number of persons over fifteen years of age, we still find that the American-born furnish one to 142, the foreign-born, one to 132. Thus, on the whole, the foreign-born may be said to make a somewhat heavier drain, in proportion to their numbers, upon the commonwealth, than the native-born population. Yet the native-born mothers are found to have on an average 3.52 children apiece, while the foreign-born have 4.91. Thus, the very element which sends the largest contingent into the jails and workhouses is also most active in recruiting the coming generation.

That the bearing of these facts upon the growth of pauperism is not fanciful is seen from the carefully prepared statistics of the causes of pauperism in the kingdom of Prussia. It appears there that, out of 953,292 cases of public assistance in 1885, there were 11,396 in which the poverty was given as due to too many children—a number greater than the combined numbers of those whose poverty was due to drunkenness and to indolence, the former being placed at 6940 and the latter at 2944.¹

It would, of course, be unfair to regard the statistics of births alone and not consider the deaths. Undoubtedly the poorer districts and the poorer portions of the population generally show a greater infant mortality than the wealthier. Thus the annual death rate for St. George's, Hanover Square, was, in the ten years 1871–1880, 20.28 per thousand, whereas in Bethnal Green it was 23.87. In neither of these cases are the figures corrected for deaths in public institutions. They are therefore not to be absolutely relied upon. More trustworthy, undoubtedly, are the careful statistics published by Joseph Körösi for the city of Budapest. The record of deaths in that city is accompanied by a record of the economic condition of the family of the deceased, and the population is divided roughly into four classes, according to their presumed degree of wealth. These classes are, of course, not defined with perfect accuracy, but the physicians who make the returns are instructed to be

¹ Statistisches Handbuch für den preussischen Staat, 1888, S. 367.

guided by the general style of life and appearance of the persons concerned. The figures are, therefore, more reliable than statistics which simply compare different sections of a town, each of which contains representatives of many different classes of the population. From these figures of Körösi, which cover the six years from 1876 to 1881, it appears that the deaths of children under one year of age in each class constituted the following percentages of the total deaths of that class up to five years :¹

	<i>Per cent.</i>
First class	48.4
Second class.	57.2
Third class	62.3
Fourth class	63.5

The following table shows the average age of the decedents of the several classes :²

	<i>Children, from 0 to 5 years.</i>		<i>Persons over 5 years.</i>	
	<i>Years.</i>	<i>Months.</i>	<i>Years.</i>	<i>Months.</i>
Rich class	I	4	52	
Middle class.	I	2½	46	I
The poor.	I		41	7

To a certain extent, therefore, this greater fertility of the poorer classes, and presumably, therefore, of the less thrifty classes, is counteracted by a shortening of life and a greater infant mortality. There are two considerations, however, that come in to weaken the effect of this mortality. In the first place, those who suffer are not primarily those who are to blame. The retribution does not follow closely upon the fault. The mortality being mainly in the case of infants, one generation has to pay the penalty that the other has incurred, and the moral effects of it are therefore lost. The fathers eat the sour

¹ Körösi, Die Sterblichkeit der Stadt Budapest in den Jahren 1876 bis 1881, und deren Ursachen, S. 274.

² *Ibid.*, S. 168.

grapes, but the teeth that are set on edge are their children's. Another consideration, and a very important one, is that the great sanitary improvements which are constantly being made in the drainage of our great cities, in the construction of tenement houses, and in the general conditions of life, constantly tend to lower this infant mortality, and thus to check, as it were, the effort of nature to work her own cure. It is devoutly hoped that this statement will not be understood as implying on the part of the author a taste for unhealthy tenements, or a weakness for cholera infantum and diphtheria. But it would be unscientific to allow a sympathy with such improvements to blind us to the plain facts of the case, and these seem to be that these undoubted advances in civilization tend to produce evil as well as good results, unless they are accompanied by an advance in the morale of mankind. Every effort that is being made to remove what Malthus called the "positive checks" to population, without at the same time increasing the preventive checks, must result in an increase of the very classes which are least able to take care of themselves, and render more and more imperative the solution of that exceedingly difficult problem which Mr. Arnold White calls "the sterilization of the unfit."

Thus we see that the struggle for existence in a highly developed industrial society does not infallibly lead to the survival of the fittest, if by that phrase we mean the elements that are morally and economically most useful. In fact, we are, by means of our very improvements, setting forces in operation which tend to multiply the unfit.

This, it should be said, is no more than what we might expect from the analogy of animal and vegetable life. A garden, if left without care, will not produce as perfect flowers as one that is constantly weeded, watered, and pruned; in fact, the weeds are quite likely in a very short time to have it all their own way. In animal life, too, we see that the development of higher forms has not led to the destruction of the lower forms, and that the unintellectual crustaceans still exist in great numbers side by side with the more highly endowed mammals. As Professor Huxley very well says :

It is an error to imagine that evolution signifies a constant tendency to increased perfection. That process undoubtedly involves a constant readjustment of the organism in adaptation to new conditions ; but it depends on the nature of those conditions whether the direction of the modifications affected shall be upward or downward. Retrogressive is as practicable as progressive metamorphosis. . . . The human species, like others, plashed and floundered amid the general stream of evolution, keeping its head above water as it best might, and thinking neither of whence nor whither. The history of civilization, — that is, of society, — on the other hand, is the record of the attempts which the human race has made to escape from this position. The first men who substituted the state of mutual peace for that of mutual war, whatever the motive which impelled them to take that step, created society. But, in establishing peace, they obviously put a limit upon the struggle for existence. Between the members of that society, at any rate, it was not to be pursued *à outrance*. And of all the successive shapes which society has taken, that most nearly approaches perfection in which the war of individual against individual is most strictly limited.¹

Might it not be better to say that society constantly tends, not to limit the struggle for existence, but rather so to influence the conditions of life that the struggle will lead to the survival of the highest types? In other words, society, if it wishes to improve itself in accordance with a certain ideal, must limit the struggle for existence in favor of those forms of character that it finds useful and wishes to preserve. This means, therefore, that it cannot afford to let the question of pauperism solve itself, but must assume the responsibility of dealing with it actively and intelligently, if it would consult its own highest good.

III.

The best test of the truth of any theory is its applicability to practical questions. In order to apply this test to the theory just developed, I propose to ask whether it will aid us at all in the solution of certain practical questions which are prominent at the present day. Let us, therefore, inquire : (1) What should be, under this view, the scope of the state's action regarding

¹ Huxley, *The Struggle for Existence*, in the *Nineteenth Century*, February, 1888, pp. 163, 165.

the poor? (2) Is it for its interest to recognize a legal right to relief on the part of the person aided? (3) What should be its relation to private charity?

(1) The first question can be merely outlined. It is not intended in this place to explain in detail the different methods of relief that the state should use, but merely to show in general terms the outside limits of its activity. If there were any single mode of action which would tend to abolish at once the causes of poverty, the problem would be vastly simplified. Grant Henry George's premises, and his conclusion is irresistible. If the sole cause of poverty lies in our unjust land laws, then a mere fiat of the legislature abolishing those laws will bring about the millennium, and the Anti-Poverty society will have richly earned its title.¹ For those who do not accept Henry George's premises, the problem is very much more complicated and difficult.

It must be evident, however, that the state should, as far as possible, endeavor to strike at the root of pauperism rather than to merely prune its branches. To regard the duty of the government in this matter as fulfilled by merely distributing relief is shortsighted in the extreme. If the chief reason for governmental interference lies in the failure of the struggle for existence to bring about the survival of the fittest in the moral and economical sense, then all measures which do not aim ultimately at this result are but palliatives, not remedies. While, therefore, the state should be exceedingly cautious in applying methods of relief, lest the very means it uses shall aggravate the evil, it should not hesitate to go beyond the simple giving of relief, if it can thoroughly satisfy itself by experiment that such action will tend to diminish the amount of relief needed in the future.

Fortunately we are not left entirely in the dark in this matter, but can get a good deal of light upon it from history. A glance at the past will show us that earlier ages have had much wider and more liberal views of the subject than our present age.

¹ See *The Standard*, especially the discussion of Charity in the numbers of January 7 and 28, 1888.

We shall also see how comparatively unimportant in the history of the world has been the mere giving of alms on the part of the government. The Mosaic code, to be sure, as well as the Mohammedan, had elaborate provisions with regard to the duty of the state toward the poor and the right of the poor to the care of the state; but neither in Greece nor in Rome nor in the middle ages was there anything like systematic pauper legislation.

Of the republics of Greece, Athens seems to have been the only one which made provision for the relief of the poor, and this was occasioned by the necessity of caring for the veterans of the Peloponnesian war. How little importance the question had may be seen from the way in which Aristotle treats of it in his *Politics*:

Where there are revenues, the demagogues should not be allowed, after their manner, to distribute the surplus; the poor are always receiving and always wanting more and more, for such help is like water poured into a leaky cask. Yet the true friend of the people should see that they be not too poor, for extreme poverty lowers the character of the democracy; measures also should be taken which will give them lasting prosperity; and as this is equally for the interest of all classes, the proceeds of the public revenues should be accumulated and distributed among them, if possible, in such quantities as may enable them to purchase a little farm, or, at any rate, to make a beginning in trade and husbandry. And if this benevolence cannot be extended to all, money should be distributed in turn according to tribes or other divisions, and in the meantime the rich should pay the fee for the attendance of the poor at the necessary assemblies; and should in turn, be excused from useless public services. By administering the state in this spirit, the Carthaginians retain the affections of the people; their policy is from time to time to send some of them into their dependent towns, where they grow rich. . . . The example of the people of Tarentum is also well deserving of imitation, for, by sharing the use of their own property with the poor, they gain their good-will.¹

This passage is more remarkable for what it omits than for what it says. It shows that the problem of caring for the dependent classes—for vagabonds and chronic paupers—had

¹ Jowett's translation, book vi, chapter v, §§ 7-10.

not arisen in Aristotle's time, and that with him the only consideration was the political effect of poverty, not the moral effect of destitution.

The idea of poor relief was equally foreign to the Roman habit of thought. The gifts that were given by the rich families to the plebs were bribes for political purposes, not alms distributed from charitable motives. Even the sale of grain below the market price, and its free distribution, were regarded as a right of the citizen, not of the poor; and though Mommsen states that the reduction of the numbers of those who were entitled to this dole from 320,000 to 150,000 by Julius Cæsar really represented the first introduction of the idea of poor relief¹, it should be remembered that even then the charges of this gift were met by the tribute of the provinces, not by the taxation of the citizens of Rome, and that though actually the recipients of this bounty were probably the poorer citizens, they received it as citizens and not as paupers.

The introduction of Christianity into Europe greatly stimulated private charity. The church, however, became the almoner of Europe, not the state. Legislation such as that of Charlemagne, who ordered the churches and monasteries to use their tithes in the interest of public charity, and also required the lords to see that none of their vassals or dependents suffered want, was spasmodic. The laws confined themselves mainly to repressing beggary by main force, and it was not until the fifteenth century that methods were devised for the relief of the poor. The earliest ordinance of this kind was probably that enacted in 1437 for the city of Frankfort-on-the-Main, but the most noted was the ordinance of 1522 of Nuremberg. This ordinance entrusted the management of the poor to a commission appointed by the city council. The city was districted and an overseer appointed for each district who was to investigate, in connection with the clergymen, the circumstances of those seeking relief. The sick were to have medicine given them, children were to be put out at service, and those who could work were to have work found for them as soon as possible.

¹ Mommsen, *Römische Geschichte*, III, 506.

We have thus a complete system of city poor relief which served as a type for and was soon followed by other cities in Germany and the Netherlands. The significant part of this legislation, however, is that it prohibited begging altogether, interdicted migration from city to city in order to check the tramp evil, and that laws were made restricting marriage to those capable of supporting a family, in order to prevent the growth of a pauper class.¹ The prohibition of begging, and the regulation of marriage shows that even at this early day legislators were intent on preventing the causes of pauperism quite as much as upon relieving distress.

Still more striking is the history of English legislation. England began, as Germany did, by repressing vagabonds with a strong hand. Thus the act of the 12th of Richard II (1388) provided that sturdy vagabonds and valiant beggars were to be publicly whipped for the first offence; for the second they were to have their ears cropped; for the third they were to be hung. This same law provided in a general way for the relief of those unable to work by putting the duty of caring for them upon the parish in which they happened to be, or in case it was unable to provide for them, by requiring that they should be sent to their birth-place. It was not, however, until the sixteenth century that the question was seriously taken in hand. Henry VIII provided by the law of the 22d of his reign (1531) that able-bodied beggars should be punished and that the infirm should receive letters of license entitling them to beg within certain limits. This, however, proved illusory, and stronger measures had to be adopted. The act of the 27th of Henry VIII (1535-6) prohibited private alms-giving altogether and punished it with a fine equal to ten times the amount of the gift. At the same time, however, it provided for a systematic relief in the place of individual alms and required the clergy to gather contributions of the "good Christian people within the parish" and to distribute the proceeds among the poor.

The period from 1536 to 1601 was a period of transition, in which the principles of the great poor law of Elizabeth were

¹ See Löning, in Schönberg's *Politische Oekonomie*, 2. Ausg., Bd. III, S. 862 ff.

gradually and tentatively established. The law of 1536 had provided simply for voluntary gifts. The act of 1552 provided that collectors of alms should be appointed to make these collections and that the inhabitants of the parish should be "gently exhorted and admonished to contribute according to their means." In case they refused, the bishop was to be notified and to use his influence with them. The law of 1563 went a step further and provided that those who still obstinately refused to contribute should be brought before the justices of the peace, and that if they were unable "to move and persuade" the delinquent, they should tax him at what they thought proper. The law of 1572 provided for such a taxation without the intervention of the bishop, and finally the law of the 43d of Elizabeth (1601) introduced a regular poor tax. Private alms-giving, which had been prohibited by Henry VIII, was again allowed by the acts of 1555 and 1563, which permitted begging licenses in parishes that were overburdened, but these were entirely prohibited by the law of 1572.

Thus we see that, while gradually introducing the duty of the parish to provide for its poor, English legislation did not forget to check the causes of pauperism by prohibiting alms-giving. In fact, the suppression of the minor monasteries in 1536 and of the greater ones in 1539 may not unjustly be regarded as a part of the pauper legislation of Henry VIII. Adam Smith seems to give countenance to the idea that it was the suppression of the monasteries which made the poor law of Elizabeth necessary by destroying one of the principal means of providing for the poor.¹ There are good reasons for thinking, however, that the views of Hallam and Froude are more just, and that the monasteries were themselves the cause of rather than the cure for pauperism.² The considerations that support this view are that the question of pauperism was dealt with by legislation long before the monasteries were abolished; that private alms were prohibited at the same time at which the

¹ *Wealth of Nations*, book i, ch. x.

² Froude, *History of England*, vol. i, p. 77; Hallam, *Constitutional History*, vol. i, p. 91.

church funds were confiscated; and that pauper legislation had to be introduced at nearly the same time in Germany and in France, where no such confiscations of ecclesiastical endowments took place.

It is remarkable that, in the very year in which the minor monasteries were abolished in England, Francis I found it necessary to introduce a poor law in France, providing, in the same way in which Henry VIII provided, for the collection of gifts by the clergy and for their distribution among the poor of the parish.¹ But so great were the abuses of ecclesiastical charity that the same king was obliged in 1546 to secularize the hospitals and put their funds under the control of the civil authorities, having found by the failure of the edicts of 1543 and 1545 that a reform was impossible as long as they remained under clerical management.² The first poor tax was introduced by Francis I for the city of Paris in 1544, fifty-seven years before the poor rate of Elizabeth. The fact that the legislation of France, in which the monasteries were preserved, was similar to and contemporaneous with that of England, in which they were destroyed, indicates that their destruction was not the cause of the introduction of the English poor law.

This historical sketch shows that the causes of pauperism were not left out of sight by the legislators of the sixteenth century, and that a large part of their legislation consisted in an endeavor to check those causes. We have, therefore, an historical argument as well as a theoretical one in favor of extending the action of the state beyond the mere giving of relief. There is great danger that pauper legislation will become too mechanical and will either endeavor to help all who may be in want, regardless of the cause of their want, or will draw the line so fast that many worthy persons will be left unprovided for. The great duty of the government is discrimination, and it may be quite as necessary to refuse relief where the ultimate effects of it are sure to be bad as to give it where

¹ Monnier, *Histoire de l'assistance dans les temps anciens et modernes*, p. 307.

² Reitzenstein, *Armengesetzgebung Frankreichs*, S. 12-13; Monnier, pp. 323-30.

they are not bad. "I would have the state," says Mr. Mills, "provide starving idleness with a coffin, but nothing more."¹

It may not be unnecessary to emphasize again that in thus endeavoring to secure the survival of the fittest we mean the industrially and morally fit, not simply the physically fit. As Mrs. Lowell has well said: "The fatal mistake in charity, as indeed in everything else, is when physical and temporary ends are sought in place of moral and eternal ones."² The survival of the fittest does not, therefore, mean the application of euthanasia to all who are physically unable to work. In the case of a community on the verge of starvation or of a beleaguered city, it might be necessary for the preservation of the whole to suffer the destruction of those who are physically useless, and the practice of the early Swedes, who solemnly knocked their old people on the head with a club in order to get rid of them, may have been dictated not solely by barbarity but by considerations of public utility.³ In a modern community we are, fortunately, not brought to this pass. There is sustenance enough for all, provided it be rightly distributed. There can be no harm, therefore, in the exercise of humanity towards the young as well as towards the aged, the idiots, the insane, and all classes of persons whose misfortunes are not the result of their own actions, and in the case of whom such relief cannot be attended with any bad moral effects. Humanity is in itself a social, not merely a personal virtue, and is to be encouraged, not discouraged, as long as it does not take the form of a weak sentimentalism which would prevent responsible persons from reaping as they have sown.

(2) Another question has recently come into prominence through the articles of Cardinal Manning. Is it in accordance with the welfare of the state to recognize a right on the part of the poor to relief? To prevent all misunderstanding, I repeat that I do not discuss the ethics of this question, but merely its utility. I do not ask whether man has by nature

¹ H. B. Mills, *Poverty and the State*, p. 8.

² Address before the Woman's Christian Conference, in New York, 1887.

³ See Tylor, *Anthropology*, p. 411.

a right to support, or whether he ought to have such a right as a matter of morals, but merely whether it is in accordance with the interests of society that the state should recognize such a right?

In speaking of the right to relief, I do not necessarily imply a right in the strict jural sense of the word, *i.e.* a right which can be enforced by a civil suit. There are comparatively few cases in which such a right is recognized, though it has been in Mecklenburg,¹ and seems to be, according to the statutes, in Connecticut.² But where, as in England, the law holds the relieving officers to such a strict accountability that the poor person can easily set in operation the administrative machinery necessary to secure him relief, he may be said to have, for all practical purposes, a right which is as good as a right of action and which will have the same effect upon his mind. Such cases as *Clark vs. Joslin* and *Regina vs. Curtis* show that relieving officers who neglect or refuse aid do so at their peril.³

If the view that has been advanced in the preceding pages regarding the utility of poor relief is sound, it would seem to follow *a priori* that the recognition of a right to relief must be harmful. If the final aim of the poor laws is to make all classes of the population self-supporting, the recognition of a right to be supported, regardless of one's own actions, or of the right to have work, regardless of one's own efforts to seek it, must undermine that independence which is our aim and destroy one of the strongest incentives to self-support.

It is not, however, necessary to content ourselves with *a priori* reasoning. There are some remarkable historical examples which show very plainly the results of such a policy. It was the recognition of such a right and the prevalence of ideas closely connected with it which led to the celebrated Gilbert act of 1782 in England, and produced the shocking abuses in the administration of the English poor law at the end of the last century. It was this principle more than any other one

¹ See Münsterberg, S. 273.

² Revised Statutes, title 15, ch. ii, § 5.

³ See Aschrott, p. 153; and Glenn, Poor Law Orders, pp. 234 and 73.

thing which raised the poor rates in England from £2,000,000 to £7,800,000 in the thirty-four years from 1783 to 1817. It was this right which increased pauperism, lowered wages, and threatened to impoverish the whole nation; and in spite of the vigorous reform of 1834 the English poor-law administration is still hampered and its efficacy checked by the recognition of this right to relief.

Equally remarkable was the experience of France during the great Revolution. In accordance with the principle that "society owes support to its unfortunate citizens," as expressed in the constitution of June 24, 1793, the revolutionary government entirely overturned the system of poor relief of the old régime. It established as early as 1789 national workshops in order to give work to all who wanted it. It confiscated the property of the religious orders and hospitals. It centralized the entire poor relief in the hands of the national government, and even canonized poverty by instituting a national holiday in honor of the poor and providing that lists of the paupers and of the gifts that they received should be read in public on that occasion. The effect of establishing these national workhouses was that as early as 1791 there were no less than 31,000 persons employed in them in Paris alone, and that that city spent over 15,000,000 francs for their support, in addition to enormous sums voted by the legislature.

This system wrought its own cure, and the law of November 27, 1796, introduced the *bureaux de bienfaisance*, to which the care of the poor has been entrusted ever since. These bureaux are independent corporations, having the right to hold property and receive legacies, and depend for their income very largely upon private gifts and the revenue of their investments. Forty per cent of their income is derived from endowments, and of the remainder only about a half is received from the proceeds of taxation and of appropriations made by the towns.¹ There is no obligation on the part of the community to care for its poor, and the bureaux are obliged to limit their expenditure to their income. The result is that the expenditure of these bureaux

¹ Reitzenstein, S. 162.

averaged in 1884 about 18 cents per capita of the whole population, while in England the expenditure for so-called out-door relief alone amounted in 1886 to about 46 cents per capita.¹ It would not be fair to attribute this result entirely to the poor laws of the two countries. There are many other circumstances, such as the thrift of the people, the activity of private charities, *etc.*, which exercise an influence, though one that it is difficult to measure. The figures, however, are striking, especially in view of the belief of some of the French statisticians themselves that the favorable showing is largely due to the correct principles upon which poor relief is administered in France.²

Whatever may be thought, therefore, of the existence of a natural right to relief, the recognition of such a legal right can be shown, both *a priori* and *a posteriori*, to conflict with the very end for which poor relief exists.

(3) One more question must be dealt with before bringing this paper to a close. What should be the relation of public relief to private charity? Private charity we have assumed from the beginning to be one of the data in the case. It is something which exists and which could not easily be eradicated, even if it were desirable to do so. Moreover, we may assume without further argument that the sentiment which leads to the exercise of private charity is one of social utility; kindness, benevolence, an interest in our fellow-men, are all of them sentiments without which the world would be, not only much more dreary than it is, but much less productive. They furnish the social cement which prevents society from being engaged in a constant war of all against all, and make the individual agglomerations of men which we call states better able to live without breaking to pieces.

The extent to which the government cares for the poor should therefore adjust itself to the amount of work that is done by private effort. It cannot be determined by a hard and fast rule. The government should restrict or expand its action according as private charity is active or indolent. In many in-

¹ *Annuaire statistique de la France*, 1887; Report of Local Government Board, 1887.

² Reitzenstein, S. 200.

stances it may be found, as was the case in the city of Elberfeld in 1816, that private charity is utterly unable to cope with the difficulty.¹ In other cases, as in Brooklyn, Philadelphia, New York, and Baltimore, it may be found that private agencies are capable of dealing with the problem of out-door relief, and that the city authorities can confine themselves to the management of the necessary institutions.

It should always be remembered that private agencies can do what public ones are unable to do, for they can exercise charity. The quality of mercy is not strained, and an enforced poor relief can never partake of the nature of charity or bring forth the fruits of benevolence. If the worthless classes are to be improved, it must be done by means of a sympathetic but intelligent interest on the part of others. A mere machine, such as the department of public charities is very apt to become, can never exercise a personal and moral influence. The government should therefore avoid all measures that will tend to weaken the beneficial effects of real charity. It should supplement, not supplant it.

There are cases, however, in which private charity, though springing from the best sentiments, is exercised with so little intelligence as to be itself the cause of pauperism and therefore injurious to the state. Look, for example, at the condition of things in Bavaria in 1790, when Count Rumford undertook to carry out his great reform in the relief system of that kingdom :

So numerous were the swarms of beggars in all the great towns, and particularly in the capital, so great their impudence and so persevering their importunity, that it was almost impossible to cross the streets without being attacked and absolutely forced to satisfy their clamorous demands. . . . *The habit of submission on the part of the public* gave them a sort of right to pursue their depredations ; their growing numbers and their success gave a kind of *éclat* to their profession, and the habit of begging became so general that it ceased to be considered as infamous, and by degrees in a manner interwoven with the internal regulations of society.²

¹ Böhmert, Das Armenwesen in 77 deutschen Städten, 1886, S. 52.

² Count Rumford's Essays, vol. i, pp. 15-17.

A curious illustration of the effects of indiscriminate private charity is seen in the growth of a regular trade of begging in Russia. There are whole villages in the government of Moscow which have adopted this profession. Their inhabitants start out on their tour each year after the harvest. They are organized in gilds of from ten to twenty persons, and travel in wagons. They separate in order not to attract too much attention, arranging to meet at some place after one or two weeks' time in order to sell the proceeds of their mendicancy. On arriving at a town they leave their wagons outside and go through the streets begging singly or in small bands. The women bring along their children to excite pity; the old men appeal to their age and decrepitude; while the able-bodied, clad in charred furs and shirtless, claim that they have been the victims of fire. If such a wagon-load of beggars encounter other travellers on the highway, they cover up the old man of the party with blankets, and beg for money to bury their aged father. Not only are the cash returns of this profession said to be very large, but the horses are greatly raised in value by being fed upon the bread which their owners beg.¹

All who have anything to do with organized charitable work know that charitable people themselves often constitute an impediment in the way of helping the poor, and that the problem of dealing with the indigent is often rendered more difficult by their well-meant but misdirected efforts. While, therefore, the state should endeavor to allow the greatest extension to well directed private charity, it should not hesitate to correct or even suppress it, when its results are obviously detrimental. Thus a Swiss canton, which ought to be the last place in the world to disregard individual rights, considers it perfectly within its province to prohibit private individuals from writing letters of recommendation for beggars.² In fact the early history of poor relief in Europe shows that the suppression of indiscriminate

¹ See Buxhövdén, in Schmoller's *Jahrbücher*, vol. x, no. 3, 1886.

² Canton of Glarus, Poor Law, § 24: "Ebenso ist sowohl Behörden als Privaten die Ausstellung allgemeiner schriftlicher Empfehlungen zur Sammlung von Unterstützungen (Bettelbriefe) verboten."

giving was held to be a necessary corollary to state relief, and we find such prohibitions in countries whose administration in other respects was most different. The free cities of Germany found it no less necessary to put down this abuse than Peter the Great, who imposed a fine of five rubles for the first offense and ten for the second upon all who gave money to beggars in the streets of St. Petersburg.¹

Thus, while the public reasons for entrusting the state with the care of the poor are comparatively simple, the methods must necessarily adapt themselves to circumstances. To say that the state should leave matters entirely as they are would be as impracticable as to say that it should take entire control of the matter. To say that it should give only out-door relief would be as much at variance with its best interests as to say that it should give only in-door relief. In fact, we shall never make any progress in dealing with this subject until we realize that pauperism is a social disease, not an economic state. Pauperism does not mean simply the absence of funds; it means the mental and moral habit which occasions this lack of funds; and while it would seem as Utopian to look forward to the speedy abolition of poverty as it would to the discovery of the elixir of life, it does not seem unreasonable to hope that pauperism as an epidemic may be as thoroughly checked as have been the ravages of the smallpox or the black death.

Those who are fond of quoting the saying, "The poor always ye have with you," seem to forget that the remark was made as a rebuke to one who wanted to distribute in alms what was being, in his judgment, wasted in ointment. It was intended to check poor relief, not to encourage it, and the person at whom this public rebuke was aimed was none other than Judas Iscariot, who wished to swell the poor fund because he had the administration of it.

It will not do, therefore, to assume that we are coping with an evil that cannot be cured. To take that view would be to confess judgment at the very opening of the case. Many diseases have been counteracted in their effects by the discovery

¹ Buxhövdén.

that they are caused by an infinitesimal germ or bacillus, so that the best means of checking the disease is to attack the bacillus itself. Can we not do the same thing with regard to the social disease of pauperism? And though the bacillus itself may not be subject to microscopic inspection, may we not judge, by a careful study of the various influences to which it is subject, what means are to be adopted to check its ravages? Unfortunately, recent pauper legislation has not dealt very extensively with the matter from this point of view. Most of its history is the record of temporary expedients to alleviate the patient's suffering. We read of

How the breast was soothed and how the head,
And all his hourly varied anodynes ;

but we read comparatively little of efforts to attack the cause of the disease. We see the application of tons of cure, but the ounce of prevention seems to be an article that our social apothecaries do not keep. The one lesson that is most difficult for legislators to learn is that in many cases "apparent hardness is the truest charity."¹

The remedy is, to be sure, not simple. One side of the case, however, has been pretty clearly demonstrated by our experience. While we have not found an infallible means of killing the germ of pauperism, we know fairly well in what kind of an environment it thrives. We have seen it propagated in the middle ages to a large extent by church charity and private alms. We have seen it fostered in more recent times by sentimental legislation and theories regarding the natural rights of man. We know fairly well, therefore, what is to be avoided. The real problem is to ascertain by what positive measures this social bacillus can be radically exterminated.

HENRY W. FARNAM.

¹ Report of the Minnesota State Board of Corrections and Charities for 1884, p. 141.